



## REPORTING OF THE RECORD TASK FORCE

### Meeting Minutes

August 21 – 23, 2002

Administrative Office of the Courts

455 Golden Gate Avenue, San Francisco, California

#### ***TASK FORCE MEMBERS PRESENT:***

Hon. James A. Ardaiz, Chair, Administrative Presiding  
Justice of the Court of Appeal, Fifth Appellate District  
Hon. S. William Abel, Presiding Judge, Superior Court  
of Colusa County  
Ms. Maura Baldocchi, CSR, Official Court Reporter,  
Superior Court of San Francisco County  
Mr. Ron D. Barrow, Clerk of the Court, Court of  
Appeal, First Appellate District  
Mr. Gary M. Cramer, CSR, Official Court Reporter,  
Superior Court of Los Angeles County  
Hon. John S. Einhorn, Assistant Presiding Judge,  
Superior Court of San Diego County  
Mr. Edward J. Horowitz, Esq., Edward J. Horowitz, A  
Professional Corp.  
Ms. Barbara J. Lane, CSR, Supervisor, Court Reporters,  
Superior Court of Riverside County  
Mr. Len LeTellier, Executive Officer, Superior Court of  
Sutter County  
Ms. Jeanne Millsaps, Executive Officer, Superior Court  
of San Joaquin County  
Mr. Gordon Park-Li, Executive Officer, Superior Court  
of San Francisco County  
Ms. Kary Parker, CSR, Official Court Reporter, Superior  
Court of Orange County  
Mr. Tom Pringle, CSR, Official Court Reporter,  
Superior Court of Shasta County  
Mr. Paul J. Runyon, Administrator, Litigation Support,  
Superior Court of Los Angeles County  
Mr. Alan Slater, Chief Executive Officer, Superior Court  
of Orange County  
Ms. Fiel D. Tigno, Esq., Supervising Deputy Attorney  
General, Office of the Attorney General Department of  
Justice

#### ***TASK FORCE MEMBERS ABSENT:***

Mr. Gary Evan McCurdy, Esq., Assistant Director,  
Central California Appellate Program

#### ***TASK FORCE LIAISON:***

Ms. Julie R. Peak, CSR, Chair, Court Reporters Board of  
California **(Present)**

#### ***PRESENTERS:***

None

#### ***GUESTS:***

None

#### ***FACILITATOR:***

Ms. Sharon Maher, Maher & Company **(Present)**

#### ***AOC STAFF PRESENT:***

Ms. Pat Sweeten, Director, Executive Office Programs  
Division  
Ms. Sally Lee, Manager, Executive Office Programs  
Division  
Ms. Claudia Ortega, Lead Staff, Court Services  
Analyst, Executive Office Programs Division  
Ms. Emily Flynn, Attorney, Office of the General  
Counsel  
Mr. Martin Riley, Governmental Affairs Analyst, Office  
of Governmental Affairs  
Ms. Theresa Sudo, Senior Administrative Coordinator,  
Executive Office Programs Division

#### ***AOC STAFF ABSENT:***

Ms. Christine E. Patton, Regional Director, Bay  
Area/Northern Coastal Region

## **Meeting Minutes**

### **Wednesday, August 21, 2002**

#### **Item 1      Opening Remarks**

Administrative Presiding Justice James A. Ardaiz, Chair of the Reporting of the Record Task Force, called the meeting to order at 1:04 p.m. He began the meeting by welcoming everyone to Los Angeles and informed the members that the meetings are being recorded. He briefly introduced Ms. Sally Lee as the new staff to the task force. Ms. Lee is the manager of the Court Programs Services Unit of the Executive Office Programs Division. She comes to the Administrative Office of the Courts (AOC) bringing many years of experience with the Executive Branch as a manager in various agencies. Justice Ardaiz provided an overview of the three-day meeting.

#### **Item 2      Public Comment**

Justice Ardaiz announced that a reasonable time would be allotted for public comment at the beginning of each meeting. A member of the public wishing to address the task force will complete the public sign-in sheet and provide a brief summary of the comment to be given. The public may not direct questions to the task force as a whole or to individual members. If a task force member has a question or comment, the member may address the public speaker. Justice Ardaiz emphasized that he would guide this process fairly and openly to provide speakers with an adequate opportunity to express their points of view. However, to ensure that the meeting time is used efficiently, Justice Ardaiz will not allow the public to reiterate points of view expressed by immediately preceding speakers.

Members of the public did not address the task force on this day.

#### **Item 3      Recap of Accomplishments and Observations from Previous Meeting**

Ms. Sharon Maher, facilitator to the task force, summarized the accomplishments of the last meeting, which included the creation of ground rules, the exploration of the concept of memorialization, the development of a working definition of “the record”, and the further building of collaborative and productive working relationships.

#### **Item 4      Recap of Ground Rules**

Ms. Maher disseminated and summarized the draft ground rules agreed upon by the task force during the June 2002 meeting. Ms. Maher requested that the task force review the draft before the next day’s meeting to communicate any suggested modifications. Justice Ardaiz added

that during the next day's meeting, the task force would decide if these are the rules of operational procedure.

## **Item 5        Icebreaker**

Ms. Maher facilitated an icebreaker, which drew attention to the challenges of effective communication.

## **Item 6        Minutes**

Discussion followed regarding the approval of the June 26-28, 2002 minutes. Mr. Gary Cramer asked for clarification of the language on page 3, Item 6, which states that while each member represents a constituency, Justice Ardaiz' expectation is that each member actively contribute his or her personal knowledge to the task force's decision-making process. Justice Ardaiz explained that he recognizes that task force members represent various constituencies. However, it is his expectation that members will conduct themselves as leaders within their profession. He defined a leader as someone whose judgment has been entrusted to make decisions upon all available facts and then to communicate the best course of action or vision to his or her constituency. He emphasized that the unique value of the task force members' direct participation on the task force is that they will have access to the facts and the opportunity to assess them in an in-depth manner with the other members.

Ms. Maura Baldocchi asked for clarification of the language on page 4, Item 6, which states that once the Judicial Council approves the task force's final report, the report's recommendations will be drafted into legislative language and then presented to the Legislature as a bill. Ms. Baldocchi asked if the task force's work would indeed conclude in the form of a legislative bill if council approval is given. Justice Ardaiz explained that the task force should produce a reliable report with well-founded recommendations to the council – the policy-making arm of the judiciary. Most recommendations require new or amended legislation to initiate or achieve resolution of problems. Assuming that the council approves the final report, interested persons will then develop specific statutory language, if the council so directs. These persons would be responsible for ensuring that the draft statute meets the expectations and intentions of the expressed policy recommendations within the task force report. Members of the task force will have the opportunity to review the statutory language for consistency with the policy recommendations of the task force. Justice Ardaiz also explained that if the council determines that a rule of court amendment, rather than statutory amendment, is appropriate, then the council's rule revision process would be followed.

Mr. Cramer expressed his concern that the minutes do not clarify whether the task force is discussing the verbatim record or the clerk's record. Justice Ardaiz responded that this observation is entirely accurate as the task force has not yet determined which type of record should become the primary concern of the task force and previous discussion questions did not

limit the definition of the record. Justice Ardaiz asked Mr. Cramer to propose any suggested modifications to the minutes during the next day's meeting.

**Item 7            California Court Reporters Association (CCRA) Meetings Concerning the Task Force**

Justice Ardaiz reported that in his capacity as chair of the task force, he provided remarks at two meetings of the California Court Reporters Association (CCRA). These meetings were held on July 13, 2002 and August 3, 2002. The primary purpose of the CCRA meetings was to discuss the progress of this task force and to develop an action plan in response to its charge. Justice Ardaiz requested the opportunity to address the CCRA membership at these meetings to clarify the role of the task force and to allay concerns with respect to its purpose. Justice Ardaiz explained that the task force members would work collaboratively to develop the most prudent policy recommendations for the council's review.

Justice Ardaiz briefly discussed *Terry Dale Dustin v. Superior Court, Stanislaus County*, a case recently before the Fifth Appellate District of the Court of Appeal. In response to questions and concerns previously raised by the court reporting community, Justice Ardaiz explained the reasoning behind his dissent.

**Item 8            Article in *Court News* Describing the Task Force**

Justice Ardaiz directed the membership to the article entitled "New Task Force to Study Reporting of the Record" in *Court News* (July – August 2002). This article addresses the formation of the task force.

Ms. Maura Baldocchi referred members to the *Court News* article entitled "Identifying Judges' Technology Needs". This article reports that the AOC is organizing bench-level focus groups to ensure that judges' needs are incorporated into the numerous statewide initiatives being implemented by the judicial branch. Ms. Baldocchi remarked that this project might intersect with some of the task force's work and responsibilities. She expressed her interest in learning more about this endeavor. Justice Ardaiz stated that the AOC staff would invite a representative of the agency's Information Services Division to provide a presentation to the task force when it next meets in San Francisco.

**Item 9            Press Release Announcing the Task Force's Creation and Role**

Justice Ardaiz referred the membership to the AOC's official press release announcing the formation and membership of the task force.

**Item 10      Does the Adversarial System Require Some Memorialization? Recap of this Discussion**

Ms. Sharon Maher provided an overview of the pros and cons of the oral and memorialized adversarial system discussed at the last meeting. The purpose of this discussion was to allow the members to reflect on the broad concept of a memorialized adversarial system.

**Item 11      What is the Record? Recap of Previous Discussion and Continuation of Discussion**

Ms. Maher provided a recap of the task force's previous discussion concerning the definition of "the record". The task force then continued to refine its definition of this crucial term and to identify the key aspects of the record.

**Item 12      Other Business and Adjournment**

With no further business, Justice Ardaiz adjourned the meeting at 5:30 p.m.

**Meeting Minutes  
Thursday, August 22, 2002**

**Item 1      Recap of the Previous Day's Discussion**

Justice Ardaiz called the meeting to order at 8:35 a.m. He briefly summarized the previous day's discussion and announced that staff produced for the task force a working document containing the task force's definition of the record and its key aspects.

**Item 2      Public Comment**

Ms. Arnella Sims, President of the Los Angeles County Court Reporters Association, addressed the task force.

**Item 3      Differentiation of Various Forms of the Record**

In beginning to assess the definition of the record, another discussion emerged concerning the definition of other terms, such as "court record", "court transcript", and "reporter's notes". The task force then decided to advance to the next day's agenda item of "Differentiation of Various Forms of the Record" so that the members could determine which type of record would be the primary focus of the task force. The task force worked through discussion questions in three small groups and then reported back as a whole.

The members developed a statement defining the task force's primary focus. This statement is:

*"The primary focus is the in-depth examination of the memorialization of the oral proceedings and its integration with the other elements of the official court record."*

#### **Item 4      What is the Record? Continuation of Discussion**

The task force discussed its working definition of the record in the context of its newly developed primary focus.

#### **Item 5      Ground Rules (Continued)**

Justice Ardaiz amended Item 9, "Requests for Staff Assistance", of the Ground Rules to read:

*"If a member would like to request staff or legal assistance with a matter, he or she must first contact the lead staff. The lead staff will then convey this request to the chair. After due consideration, the chair will approve or deny this request."*

No further discussion was held concerning the ground rules.

#### **Item 6      Users of the Record and Their Concerns**

The task force was given discussion questions concerning users of the record, and asked to identify specific user groups and the concerns of these groups. The membership discussed these questions in three small groups and later reported back to the task force as a whole. The task force developed a preliminary list of the identified user groups' major concerns.

#### **Item 7      Producers of the Record and Their Concerns**

This discussion was moved to the next day.

#### **Item 8      Travel Expense Claim Forms – Review of Necessary Information**

Ms. Claudia Ortega informed the membership that the state reimbursement policy requires that submitted hotel invoices show a zero balance to ensure proper reimbursement.

#### **Item 9      Other Business/Adjournment**

With no further business, Justice Ardaiz adjourned the meeting at 5:39 p.m.

## **Meeting Minutes**

### **Friday, August 23, 2002**

#### **Item 1      Recap of the Previous Day's Discussion**

Justice Ardaiz called the meeting to order at 8:36 a.m. He began the meeting by stating he believed that the task force had already made significant progress. He thanked the task force for its collaboration in what will be a lengthy process requiring much analysis, discussion, cooperation, and patience.

#### **Item 2      Public Comment**

Members of the public did not address the task force on this day.

#### **Item 3      Producers of the Record and Their Concerns**

The task force was given discussion questions concerning producers of the record, and asked to identify specific producer groups and the concerns of these groups. The membership discussed these questions in three small groups and later reported back to the task force as a whole. The task force developed a preliminary list of producer groups and concerns.

#### **Item 4      Issues Raised by A Uniform Record**

Discussion of record uniformity was moved to the next task force meeting on October 16 – 18, 2002.

#### **Item 5      Future Meeting Dates**

The task force agreed that the next meeting dates are:

- October 16 – 18, 2002: Sacramento, CA
- December 4 – 6, 2002: Location to Be Determined
- January 15 – 17, 2003: Location to Be Determined
- March 5 – 7, 2003: Location to Be Determined
- April 23 – 25, 2003: Location to Be Determined

**Item 6            The Task Force's Conclusions to Date, Potential Future Direction, and Ultimate Responsibility**

Justice Ardaiz summarized the progress of the task force. He stated that the task force would further assess the needs and concerns of the producers of the record. He thanked them for their continued commitment of time and expertise to the task force.

**Item 7            Adjournment**

With no further business, Justice Ardaiz adjourned the meeting at 12:35 p.m.